

United States District Court, Northern District of Illinois

(8)

Name of Assigned Judge or Magistrate Judge	James B. Moran	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	02 C 8329	DATE	11/25/2002
CASE TITLE	Anthony D. Norman vs. Charles Campbell, M.D. et al.		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

Memorandum Opinion and Order

DOCKET ENTRY:

- (1) ☐ Filed motion of [use listing in "Motion" box above.]
- (2) ☐ Brief in support of motion due ____ .
- (3) ☐ Answer brief to motion due ____ . Reply to answer brief due ____ .
- (4) ☐ Ruling/Hearing on ____ set for ____ at ____ .
- (5) ☐ Status hearing[held/continued to] [set for/re-set for] on ____ set for ____ at ____ .
- (6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on ____ set for ____ at ____ .
- (7) ☐ Trial[set for/re-set for] on ____ at ____ .
- (8) ☐ [Bench/Jury trial] [Hearing] held/continued to ____ at ____ .
- (9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
☐ FRCP4(m) ☐ Local Rule 41.1 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] Enter Memorandum Opinion and Order. Plaintiff's application to proceed in forma pauperis is denied and his claim is dismissed.

- (11) ☒ [For further detail see order attached to the original minute order.]

<input type="checkbox"/> No notices required, advised in open court.	U.S. DISTRICT COURT 02 NOV 25 PM 1:24 RECEIVED Date/time received in central Clerk's Office	number of notices	Document Number 6
<input type="checkbox"/> No notices required.		NOV 26 2002 date docketed	
<input type="checkbox"/> Notices mailed by judge's staff.		AKR docketing deputy initials	
<input type="checkbox"/> Notified counsel by telephone.		date mailed notice	
<input checked="" type="checkbox"/> Docketing to mail notices.		mailing deputy initials	
<input checked="" type="checkbox"/> Mail AO 450 form.			
<input type="checkbox"/> Copy to judge/magistrate judge.			
WAH courtroom deputy's initials			

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ANTHONY D. NORMAN,

Plaintiff,

vs.

CHARLES CAMPBELL, M.D., et al.,

Defendants.

No. 02 C 8329

NOV 26 2002

MEMORANDUM OPINION AND ORDER

Plaintiff Anthony D. Norman brings this action against defendants Charles Campbell, M.D. and Michael Reese Hospital alleging medical malpractice, seeking damages of \$100,000,000. Along with his complaint, plaintiff filed an application to proceed *in forma pauperis* which, for the following reasons, is denied.

Under 18 U.S.C. § 1915(a) the court may authorize a plaintiff to proceed *in forma pauperis* if he is unable to pay the prescribed court fees. Plaintiff's affidavit states that while he does have some income from various sources, his monthly wages are around \$100 to \$200. As such, we find that he has established his inability to pay the required court costs.


Our inquiry does not end here. Section 1915 requires us to conduct an initial review of plaintiff's claim and dismiss the action if we find that it is frivolous or malicious, it fails to state a claim, or that petitioner seeks damages from a defendant who is immune. 28 U.S.C. § 1915(e)(2)(B)(i)-(iii); Alston v. Debruy, 13 F.3d 1036, 1039 (7th Cir. 1994).

Plaintiff alleges that either Dr. Campbell, the hospital, or both, were negligent in removing a sternal wire from his chest, resulting in severe physical damage. Plaintiff and

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defendants are all residents of Illinois for purposes of the diversity statute, 28 U.S.C. § 1332, which requires complete diversity of the parties. *See Strawbridge v. Curtiss*, 7 U.S. 367 (1806). While plaintiff may state a negligence claim based on Illinois tort law, he neither establishes diversity of citizenship, nor does he state a claim which arises from a federal question. We do not have subject matter jurisdiction over plaintiff's claim.

For the foregoing reasons, plaintiff's application to proceed *in forma pauperis* is denied and his claim is dismissed.


JAMES B. MORAN
Senior Judge, U. S. District Court

Nov. 25, 2002.

United States District Court
Northern District of Illinois
Eastern Division

Anthony D. Norman

JUDGMENT IN A CIVIL CASE

v.

Case Number: 02 C 8329

Charles Campbell, M.D. et al.

- ☐ Jury Verdict. This action came before the Court for a trial by jury. The issues have been tried and the jury rendered its verdict.
- ☒ Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS HEREBY ORDERED AND ADJUDGED that plaintiff's application to proceed in forma pauperis is denied and his claim is dismissed.

Michael W. Dobbins, Clerk of Court

Date: 11/25/2002


Willie A. Haynes, Deputy Clerk